

## REMARKS

This Amendment is submitted in response to the non-final Office Action mailed on April 1, 2008. No fee is due in connection with this Amendment. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-510 on the account statement.

Claims 15-16 and 18-30 are pending in this application. Claims 1-14 and 17 were previously cancelled without prejudice or disclaimer and Claims 25-28 and 30 were withdrawn from consideration. In the Office Action, Claims 15-16, 18-24 and 29 are rejected under 35 U.S.C. §103. In response, Applicants have amended Claims 15, 20 and 23. In view of the amendments and/or for at least the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

Applicants note that Claim 20 has been amended for clarification purposes to recite, in part, a disc cartridge comprising a shutter unit for opening/closing said recording and/or reproducing aperture, wherein said entrance part for said head unit is formed in a surface on which slides said shutter unit in continuation to said recording and/or reproducing aperture. This amendment does not add new matter. This amendment is supported in the Specification at, for example, page 2, paragraphs 22 and 33; page 5, paragraphs 84-87.

In the Office Action, Claims 15-16 and 18-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,961,952 B1 to Takamori et al. ("*Takamori*") in view of JP 08-031133 A to Nishikata ("*Nishikata*") and U.S. Application No. 2004-0013082 A1 to Hayashi ("*Hayashi*"). Applicants respectfully submit that, even if combinable, the cited references fail to disclose or suggest each and every element of currently amended independent Claims 15 and 23 and Claims 16, 18-22 and 24 that depend therefrom for at least the reasons set forth below.

Currently amended independent Claims 15 and 23 recite, in part, a main cartridge body unit including a recording and/or reproducing aperture with a sufficient depth for exposing a portion of said disc to outside across inner and outer rims of said disc and an entrance part or a recess formed in continuation to said recording and/or reproducing aperture, wherein a depth of said entrance part or recess is less than said depth of said recording and/or reproducing aperture. The amendments do not add new matter. The amendments are supported in the Specification at, for example, page 2, paragraphs 20 and 33; page 3, paragraph 36; page 5, paragraphs 92-93. Due

to current market demand, it is desirable to provide disc cartridges with both an increased recording capacity and a reduced size. See, Specification, page 1, paragraph 6, lines 1-3. By providing an additional recess or entrance part adjacent and in continuation to the recording and/or reproducing aperture, the objective lens may intrude into the disc cartridge via the aperture and part of the optical block may enter the recess. See, Specification, page 6, paragraph 95, lines 1-6. As a result, a larger portion of the optical pickup unit may approach the disc cartridge, thereby reducing the thickness of the recording/reproducing apparatus. See, Specification, page 6, paragraph 95, lines 6-10. In contrast, the cited references fail to disclose or suggest every element of the present claims.

For example, the cited references fail to disclose or suggest a recess or entrance part wherein a depth of said entrance part or recess is less than said depth of said recording and/or reproducing aperture as required, in part, by currently amended Claims 15 and 23. The Examiner relies on *Takamori* to disclose an entrance part or recess formed in continuation to the recording/reproducing aperture. See, Office Action, page 3, lines 14-18; page 5, lines 8-12. However, the portion of *Takamori* relied on by the Examiner merely discloses a single aperture of a single depth in the main cartridge case. See, *Takamori*, Figures 12-13. Nowhere does *Takamori* discuss an additional opening or recess of less depth formed in continuation to such aperture. In fact, *Takamori* states that its disc cartridge includes a single opening “made so large that not only the objective lens but also the actuator housing can make access to the inside of the disc cartridge.” See, *Takamori*, column 9, lines 28-31. However, only the objective lens is necessary to scan the data on the disc. See, Specification, page 1, paragraph 12, lines 1-7. Unlike the large opening in the cartridge case of *Takamori* that exposes a larger portion of the optical disc, the recess or entrance part of the present claims allows a portion of the optical unit to approach the disc without unnecessarily exposing the disc to the entire unit. Therefore, *Takamori* fails to disclose or suggest a recess or entrance part wherein a depth of said entrance part or recess is less than said depth of said recording and/or reproducing aperture in accordance with the present claims.

The other cited references also fail to disclose or suggest a recess or entrance part wherein a depth of said entrance part or recess is less than said depth of said recording and/or reproducing aperture. The Examiner only relies on *Nishikata* for the disclosure of an aperture with an inclined surface to prevent abutment against an optical pickup. See, Office Action, page 6, lines 9-14. Furthermore, *Nishikata* is entirely directed to a disc cartridge that prevents

damaging an optical lens. See, *Nishikata*, Abstract, Constitution. Nowhere does *Nishikata* disclose or suggest a recess or entrance part wherein a depth of said entrance part or recess is less than said depth of said recording and/or reproducing aperture. Furthermore, the Examiner relies on *Hayashi* merely as support for a periphery of the main cartridge body unit including a substantially semicircular arcuate section. See, Office Action, page 7, lines 10-19. Nowhere does *Hayashi* disclose a recess or entrance part wherein a depth of said entrance part or recess is less than said depth of said recording and/or reproducing aperture. Thus, the cited references fail to disclose or suggest a piezoelectric resonator element a recess or entrance part wherein a depth of said entrance part or recess is less than said depth of said recording and/or reproducing aperture as required, in part, by the present claims.

Accordingly, Applicants respectfully request that the rejection of Claims 15-16 and 18-24 under 35 U.S.C. §103(a) to *Takamori* in view of *Nishikata* and *Hayashi* be reconsidered and withdrawn.

In the Office Action, Claims 23-24 and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 2000-021113 A to Miyake et al. ("*Miyake*") in view of *Takamori* and *Hayashi*. Applicants respectfully submit that, even if combinable, the cited references fail to disclose or suggest each and every element of currently amended independent Claim 23 and Claims 24 and 29 that depend therefrom for at least the reasons set forth below.

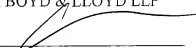
For example, the cited references fail to disclose or suggest a recess wherein a depth of said recess is less than said depth of said recording and/or reproducing aperture as required, in part, by independent Claim 23. As discussed previously, *Takamori* and *Hayashi* fail to disclose or suggest the claimed element. *Miyake* also fails to disclose or suggest a depth of the recess less than the depth of the recording/reproducing aperture. The Examiner asserts that the recording/reproducing aperture is opening 8 and the recess is shown by crevice 7 of Figures 4a-4c. See, Office Action, page 8, lines 9-14. However, *Miyake* merely discloses that the opening 8 is provided "in" crevice 7. See, *Miyake*, Claims 1-2 and 6; Detailed Description, page 2, paragraph 8. Nowhere does *Miyake* disclose or suggest that the depth of crevice 7 is different or less than the depth of opening 8. As a result, the cited references fail to disclose or suggest a recess wherein a depth of said recess is less than said depth of said recording and/or reproducing aperture in accordance with the present claims.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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